REMARKS

Applicant has amended the claims to accept Examiner's objected to claims 3, 4, 15, and confirmed the allowability of claims 5-7, 8, and 9.

LAW OF ANTICIPATION

Section 102 (e) provides:

A person shall be entitled to a patent unless--

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference. See: Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir. 1987), Structural Rubber Prods. CO. v. Park Rubber Co., 749 F.2d 707, 715, 223 USPQ 1264, 1270, (Fed. Cir. 1984), Connell, 722 F.2d at 1548, 220 USPQ at 198; Kalman v. Kimberly-Clark Corp., 713 F2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026, 104 S. Ct. 1284, 79 L. Ed.2d 687 (1984).

Applicant respectfully requests passage of the case to allowance.

Respectfully Submitted,

Date: 5-4-04

Rick Martin
Reg. No. 32,267
Patent Law Offices of Rick Martin, P.C.
416 Coffman Street
Longmont, CO 80501
303-651-2177